

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
GREENBELT DIVISION

SAQIB ALI
Montgomery County, Maryland

Plaintiff,

v.

LAWRENCE HOGAN, in his official
capacity as Governor of Maryland,
100 State Circle
Annapolis, MD 21401

BRIAN FROSH, in his official capacity
as Attorney General of Maryland,
200 St. Paul Place
Baltimore, MD 21202

Defendants.

Case No. 1:19-CV-00078-BPG

**PLAINTIFF'S NOTICE OF
SUPPLEMENTAL AUTHORITY**

PLAINTIFF SAQIB ALI'S NOTICE OF SUPPLEMENTAL AUTHORITY

As supplemental authority in support of his Opposition to Governor Hogan's Motion to Dismiss, Saqib Ali respectfully submits the attached Memorandum Opinion issued in *Amawi v. Pflugerville Independent School District*, 18-CV-1091, Dkt. 82 (W.D. Tex. Apr. 25, 2019).

The court in *Amawi* granted a preliminary injunction enjoining Texas from enforcing H.B. 89 "or any 'no Boycott of Israel' clause in any state contract." Slip Op. at 56. The court reasoned that "[*NAACP v. Claiborne Hardware Co.*, 458 U.S. 886 (1982), not [*Rumsfeld v. FAIR*, 547 U.S. 47 (2006)], controls this case." Under

Claiborne, “the Court concludes that Plaintiffs’ BDS boycotts are inherently expressive conduct. Slip op. at 26. The court then found that Texas’s anti-BDS law was not narrowly tailored and did not serve a compelling state interest. Slip Op. at 32-37. As a result of the court’s analysis, the Texas anti-BDS law was “an unconstitutional content- and viewpoint-based restriction on speech.” *Id.* at 37.

The court further found that the Texas anti-BDS law was an unconstitutional condition on government contract work, *id.* at 38-40, that its certification requirement was unconstitutional compelled speech, *id.* at 41-43, and was void for vagueness, *id.* at 43-46.

Plaintiffs respectfully submit that the court’s analysis in *Amawi* is persuasive and will greatly assist the Court in deciding the Governor’s Motion to Dismiss.

Respectfully submitted,

May 2, 2019

CAIR LEGAL DEFENSE FUND

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